REMARKS

Claims 1-21 are pending in the present application. Claims 1-11 stand rejected under 35 U.S.C Section 101. Claims 1-21 stand rejected under 35 U.S.C. Section 112 First Paragraph. Claims 1-21 stand rejected under 35 U.S.C. Section 112 Second Paragraph. Claims 1-21 stand rejected under 35 U.S.C. Section 102(b). Claims 1-21 stand rejected under 35 U.S.C. Section 103(a). claims 7 and 20 are deleted by this amendment.

The applicant hereby acknowledges the nonstatutory double patenting rejection. The applicant will file a Terminal Disclaimer prior to issuance of the present patent application upon the identification of any allowable subject matter.

The Examiner has rejected Claims 1-11 under 35 U.S.C Section 101 because the claimed method does not recite a useful, concrete and tangible result. The Examiner notes that the independent claiming of such steps as detecting, employing, broadcasting, identifying and transmitting contain recitations of descriptive material that cannot exhibit any functional interrelationship with the way in which the computing processes are performed. The Applicant has amended Claim 1 to now describe a method of operation for a network server. The functional steps performed by the server are now tied to a component of the network server which is described in detail throughout the specification. As such, in light of the amendments to Claims 1-11 the Examiner's rejection under 35 U.S.C Section 101 is respectfully traversed.

The Examiner has rejected Claims 1-21 under 35 U.S.C Section 112, First Paragraph, as containing subject matter which is not described in the specification in such way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner notes in particular that the steps including the detection of a commercial break and the identification and transmission of an appropriate

commercial are not described in sufficient detail in the specification. The Applicant disagrees with this assessment.

The insertion of commercials at designated times during the broadcasting of programs is easily understood through the study of the specification. In particular, it is seen that when a certain program is placed on the broadcast schedule it may include a number of points during its broadcast where designated or ad hoc commercials may be inserted. As is disclosed in the active screen display 68 shown in Fig. 7 of the Applicant's invention, a programmer may select a program which is to be broadcast and select a number of designated commercial breaks. Through the dialog boxes 65 and 67 the begin and start times of the commercial may be identified and its designation number may be inserted in dialog box 63. This information is then stored in memory.

With regards to identifying an appropriate commercial based on a system user's demographic information, the Applicant has further amended Claims 1 and 12 to remove any reference to the term "appropriate". Instead the claims now read that the network server is configured to select a particular commercial based on a demographic information associated with a system user. This process is described throughout the specification. In particular, the process describes that certain demographic information, like nationality for example, may be associated with a system user and certain commercials may be directed at system users of particular nationality. Because each system user has a unique identifiable connection, this broadcast of commercial to individual users is easily performed.

Further with regards to the steps of transmitting the appropriate commercial and the use of a second memory, the Applicant has further amended the claims to clarify these terms. Claim 1 now recites the broadcasting of the commercial to the system user. The broadcasting (i.e.

streaming) of multi media information over data network such as the world wide web is well know in the art even at the time the application was filed. Further, the term "second memory" was been amended to now what the terminology used in Fig. 2 which is "commercial storage". It is described in the specification that this is merely an accessible database in which data files for the commercials in the appropriate format are stored and accessed. As such, in light of the amendments to the claims the Examiner's rejections under 35 U.S.C Section 112, First Paragraph, are respectfully traversed.

The Examiner has rejected Claim 1-21 under 35 U.S.C Section 112, Second Paragraph as being indefinite for failing to particularly point out and distinctively claim the subject matter which is regarded as the invention. The Examiner has made numerous references to terms which lack proper antecedent basis. The Applicant in reviewing and amending the claims has addressed these antecedent basis issues. As such, the Examiner's rejection under 35 U.S.C Section 112, Second Paragraph, is respectfully traversed.

The Examiner has rejected Claims 1-21 under 35 U.S.C Section 102b) as being anticipated by U.S. Patent No. 4,331,974 (Cogswell et al.), U.S. Patent No. 5,155,591 (Wachob), U.s. Patent No. 5,446,919 (Wilkins), U.S. Patent No. 5,515,098 or U.S. Patent No. 5,661,516 (Carles), or U.S. Patent No. 5,600,364 (Hendricks et al.). The Examiner has further rejected Claims 1-21 under 35 U.S.C Section 102(e) as being anticipated by Published Application WO 99/46708 (Meyer et al.), U.S. Patent No. 6,006,265 (Rangan et al.), U.S. Patent no. 6,020,883 (Herz et al.), Published Application WO 00/17775 (Miller et al.) or U.S. Patent No. 6,298,348 (Eldering). In light of the amendments to the claims and the arguments made below the Applicant respectfully traverses the rejection.

The Applicant's invention as described in the claims is a system and method for broadcasting multi-media information over a computer network to one or more system users logged into a broadcast server. The broadcast server is configured to broadcast multi-media information over the data network to the system users which are logged in. Further, the broadcast server is configured to identify those system users which are logged in and based on this identification information retrieve demographic information associated with the particular user. While the multi-media information is being broadcast, the broadcast server may be further configured to interrupt the broadcast and insert commercials at selected points. These commercials may be individually broadcast to individual system users based on the demographic information of the system user and the demographic information of a commercial.

Cogswell et al. discloses a signal substitution system for a cable television network. In a cable television network, a normal channel of broadcasting is transmitted over the network as well as a substitute signal. The cable box at the viewer's television is configured with control means responsive to the signal substitution signals for selectively switching to the substitute television program. The system is further configured such that it detects which channel a cable viewer is viewing.

This reference does not anticipate the Applicant's invention because Cogswell et al. does not teach of suggest a broadcast server connectable to the world wide web wherein upon a system user logging into the broadcast server, such system user is identified and commercials associated with the demographics of the particular user are inserted in the multi-media information broadcast from the broadcast server to the system user via the individual connection. Cogswell et al. merely teaches the use of substitute signals in a cable t.v. system and does not

teach any kind of centralized control for asserting a particular commercial within the program being broadcast.

Wachob teaches a cable television network in which different commercial messages are broadcast to different demographically targeted audiences. In this cable network system, a viewer may provide their demographic information and based on the processing of this information receive one of a number of different channels.

This reference does not anticipate the Applicant's invention because Wachob does not describe a broadcast server with which system users may connect in order to receive a multi-media broadcast. Further, Wachob does not teach a broadcast server configured to insert a particular commercial within the multi-media broadcast depending on the detected demographics of the system user. Instead, Wachob teaches multiple broadcast channels each of which includes typically the same program but including different commercials for different viewers.

Wilkins teaches another cable television system whereby multiple channels with different commercials are transmitted to different homes. In Wilkins, the programming for selecting a particular channel is done locally. Profile information stored locally is compared to information received from the cable head and based on that comparison, a channel is selected.

Wilkins does not anticipate the Applicant's invention because, as with the other references cited above, this reference does not discuss disclose a broadcast server for broadcasting individually over the world wide web to system users. Further, this reference does not teach the insertion of a commercial in multi media information being broadcast selected after review of the demographics of the party receiving the broadcast. This reference, as with the others, has the commercials already included in the broadcast and simultaneously transmits a number of signals from which one may be selected and viewed.

Carles discloses a device and method for distributing commercial messages to individually addressable subscribers terminal on a network. According to this system, each subscriber employs a converter box which is addressable by a central controller. In particular, commercials are transmitted to a converter box associated with a particular subscriber. During a commercial break the converter box is directed to change to a channel which is carrying a commercial directed at the particular viewer demographics. When the commercial is complete the converter changes back to the original channel and viewing continues.

The Applicant's invention is not anticipated by this reference because in the Applicant's system and method the system users log into a broadcast server and receive a broadcast selected by them over the world wide web. During a commercial break, the broadcast server will retrieve and insert in the broadcast received by the system user the particular demographic commercial. There is no switching of channels or the need to transmit signals to a device associated with a system user. Neither of the Carles references teaches these features.

Hendricks et al. discloses a network controller for use with a digital cable network which is capable of monitoring and controlling set top terminals in a television program delivery system. As with the other references described above, this reference does not anticipate the Applicant's invention because it is directed towards controlling channels of programming and making the appropriate switches between channels depending on the programming which a particular subscriber is to receive. There is no teaching of communications over the world wide web wherein a broadcast server is configured to retrieved and insert a particular commercial in a program being broadcast.

Meyer et al. discloses a system for electronically distributing and dynamically displaying to a consumer over a computer network promotional incentives. This reference does not

anticipate the Applicant's invention because it does not disclose a broadcast server to which a system user may log into and then be identified. Further, based on this identification demographic information may then be retrieved and used to select a commercial.

Rangan et al. discloses streaming digital hypervideo to subscribers over a computer network. The system is configured such that it provides a unique URL for a subscriber to select whereby upon selected stored multi media content may be streamed.

The applicant's invention is not anticipated by this reference because Rangan et al. does not teach the a system or method which simply detects the identity of the system user upon logging onto the broadcast server and then based on that retrieves a demographically associated commercial which is then includable in the multimedia broadcast. In Rangen et al., a special URL is created which in turn provides a web page specially configured for the system user.

Herz et al. discloses a system and method for scheduling the simultaneous distribution of multi media content from many sources. A system user may access a virtual channel whereby content selected for that particular subscriber and/or viewer may be provided.

This reference does not anticipate the Applicant's invention because as with the number of references cited above, the system is directed towards creating individual channels which a subscriber or the subscriber system may select for receiving content instead of the custom insertion of commercials in streaming multimedia contact.

Miller et al. is directed towards a collaborative system which allows members of a group to collaborate on a project over a computer network. Various modes of communications may be established between the party whereby desired pieces of information are exchangeable. The Applicant has studied the cited reference and can find no teaching of a multi media broadcasting system whereby demographically selected commercials are inserted.

Eldering discloses a consumer profiling system in which consumer purchases and other activities are monitored. This information may then be further employed to create consumer profiles. While this reference does teach the creation of a demographic profile it does not teach the use of that profile in selecting commercials which are insertable in a broadcast media presentation. As such in light or the arguments made above the Examiner's rejection under 35 U.S.C Section 102(b) and 35 U.S.C Section 102(e) are respectfully traversed.

The Examiner has rejected Claims 1-21 under 35 U.S.C Section 103(a) as being unpatentable over an obvious variation of the Examiner's personal experience. In light of the claims as amended and the arguments mad below the Applicant respectfully traverses the rejection.

The Applicant strongly disagrees with the Examiner's assessment that watching the NFL and/or Super Bowl makes the Applicant's invention obvious. First of all, the Applicant is unaware that the Super Bowl has been broadcast over the world wide web prior to the Applicant's invention. Secondly, the Applicant is unaware of any instances in which the television network identifies each of the viewers that are watching the Super Bowl and based on that identification retrieves a commercial for that particular demographic and then transmits it the system user. The Applicant does not understand how it would be obvious to go from doing demographic research prior to the Super Bowl and then broadcasting commercials to all viewers based on those demographics, to a system which individually transmits selected advertisements to system users which are logged into a system.

In the system the Examiner describes there is no detecting of a system user logged in, and there is no identifying at least one system user connected to the broadcast server so that information associated with the system user may then be accessed from a database. The

Applicant is not arguing here that in demographic analysis has not been used in selecting and broadcasting commercials. What has not been done before and has not made obvious by the personal experience cited by the Examiner is a system which detects a system user, identifies a system user and his/hers demographic information, and then selects and broadcasts a commercial. As such, in light of the arguments made above the Examiner's rejection under 35 U.S.C Section 103(a) is respectfully traversed.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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